

Message Text

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71/12

ACTION SCI-06

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 3743

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C O R R E C T E D C O P Y (FOR MRN 10212 VICE 0212)

E. O. 11652: N/A

TAGS: TECH IAEA SENV

SUBJECT: IAEA'S PANEL FO EXPERTS REPORT ON OCEAN DUMPING

REF: A) IAEA VIENNA 10184

B) STATE A-9894, NOV 30, 1973

1. RESULTS OF REVIEW REPORTED REFTEL A INDICATE THAT SECRETARIAT WOULD ACCOMODATE, TO GREAT EXTENT, U.S. COMMENTS PER REFAPR B EITHER BY INCORPORATION IN REDRAFT OF GOV/1622 (CATEGORY A) OR BY CIRCULATION (WITYOUT SECRETARIAT EXPRESSING OPINION) OF POROPOSALS TO PANEL MEMBERS FOR THEIR CONCURRENCE OR COMMENT (CATEGORY B). NOTABLE EXCEPTIONS ARE PROPOSALS FOR DE MINIMIS CONCEPT AND FOR ADOPTION OF DESCRIPTIVE DEFINITION FOR HIGH-LEVEL WASTES AS IT APPEARS IN U.S. REGULATIONS, BOTH OF WHICH WILL REQUIRE CONVENING OF PANEL. IN ADDITION, ONE OR MORE OF OTHER U.S. SUGGESTIONS IN CATEGORY (B) MAY REQUIRE CONVENING OF PANEL IN ORDER TO RESOLVE CONFLICTING COMMENTS.

2. AS NOTED REFTEL A, PANEL COULD NOT BE CONVENED BEFORE MAY OR JUNE EVEN IF SUCH DECISION MADE SOON. (WE UNDERSTAND THAT SECRETARIAT HAS FOUND IT ESSENTIAL TO GIVE USSR AT LEAST LIMITED OFFICIAL USE

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SIX MONTHS NOTICE OF SUCH PANEL IN ORDER TO ASSURE SOCIWT PARTICI-

PATION.) THUS, IF PANEL CONVENED, EARLIEST POSSIBLE DATE FOR IAEA BOARD ACTION WOULD BE SEPTEMBER 1974. INSISTENCE UPON ACTION ON U.S. CATEGORY (C) ITEMS BEFORE BOARD APPROVAL OF ANY DOCUMENT WOULD PLACE RESPONSIBILITY SUCH DELAY WQUARELY ON U.S.

3. UK AND FRG COMMENTS ON GOV/1622 APPERAR TO MISSION TO BE EITHER CATEGORY (A) OR (B). UK COMMENTS ON WHO LETTER INDICATE ONE POSSIBLE CATEGORY (B) ITEM. WHILE IT IS POSSILBE THAT ONE OR MORE OF THESE CATEGORY (B) ITEMS COULD GIVE RISE TO A NEED FOR RESOLUTION BY CONVENING OF PANEL, AS IS THE CASE WITH U.S. CATEGORY (B) ITEMS, THIS SITUATION WILL NOT RPT NOT BE KNOWN UNTIL COMMENTS ARE CIRCULATED AND PANEL MEMBERS COMMENTS RECEIVED. MOREOVER MISSION BELIEVES IT UNLIKELY THAT EITHER WHO, UK OR FRG WOULD BE WILLING BEAR RESPONSIBILITY FOR CONVENING PANEL AND CONSEQUENT DELAY OF BOARD ACTION AND WOULD THREFORE WITHDRAW ANY CONTROVERSIAL COMMENT.

4. U.S. PANEL MEMBERS ARE IN BETTER POSITION THAN WE TO JUDGE WHETHER PANEL IN MAY OR JUNE 1974 WOULD BE MORE RECEPTIVE TO US PROPOSAL FOR DESCRIPTIVE DEFINITION HIGH-LEVEL WASTES THAN WAS JUNE 1973 PANEL, BUT SUCCESS THAT ENDEAVOR IS CERTAINLY QUESTIONABLE. THUS, AFTER DELAYING BOARD ACTION BY FULL YEAR, U.S. MAY BE LEFT WITH DOCUMENT IN WHICH NEVERTHELESS SUCH DEFINITION DOES NOT APPEAR.

5. MISSION SUGGESTS THAT U.S. FORMALLY SUBMIT ALL THOSE COMMENTS REPAIR B (REVISED PERHAPS IN LIGHT SECRETARIATS COUNTER-SUGGESTIONS REPORTED REFTEL A, AND, AS APPROPRIATE, ANY RELEVANT UK AND FRG COMMENTTS REPORTED REFTEL B) EXCEPT THOSE RE DE MINIMIS CONCEPT AND DESCRIPTIVE DEFINITION HIGH-LEVEL WASTES. LATTER TWO ITEMS WOULD BE ADDRESSED IN U.S. SUBMISSION UNDER SUGGESTION THAT DIR GEN, IN TRANSMITTING RECOMMENDATIONS, MAKE CLEAR THAT GENERAL SUBJECT WILL REQUIRE CONTINUED EXAMINATION AND THAT IAEA INTENDS TO ADDRESS POSSIBLE REFINEMENTS, SUCH AS DE MINIMIS CONCEPT AND DESCRIPTIVE DEFINITION HIGH-LEVEL WASTES, INFUTURE AND WILL KEEP CONVENTION PARTIES INFORMED OF RESULTS INCLUDING CHANGES TO OR ADDITIONAL RECOMMENDATIONS.

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6. U.S. COULD ALSO MAKE RECOND IN BOARD THAT IT CONSIDERS IT IMPORTANT THAT IAEA PURSUE SUBJECT IN FUTURE IN ORDER TO RESOLVE IMPORTANT ASPECTS WHICH ARE NOT ADDRESSED IN PRESENT RECOMMENDATIONS.

7. IN ANY EVENT, FORMAL SUBMISSION U.S. COMMENTS MUST BE MADE WITHIN NEXT FEW DAYS TO PERMIT SECRETARIAT TIME TO PREPARE REVISED DOCUMENT AND COMPILATION OF CATEGORY (B) SUGGESTIONS.

PACKAGE MUST BE DISPATCHED TO PANEL MEMBERS WITHIN NEXT WEEK
IN ORDER THAT DEADLINE FOR REPLIES BY JAN 15 CAN BE REASONABLY
ESTABLISHED. THAT DATE IS NECESSARY IN ORDER TO ISSUE REVISED
BOARD DOCUMENT BY JAN 21, AT LATEST, FOR ACTION AT FEBRUARY
BOARD. ADVISE SOONEST. PORTER

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